

SOUTHERN

UNITED STATES DISTRICT COURT

District of

WEST VIRGINIA

AMERICAN METALS & COAL
INTERNATIONAL, INC.,
a Delaware Corporation,
Plaintiff,

**THIRD PARTY SUMMONS IN A
CIVIL ACTION**

v.

Case Number: 2:05-0822

WHITE MOUNTAIN MINING CO., LLC
a West Virginia Limited Liability Company,
APACHE MINING CO, LLC
a West Virginia Limited Liability Company,
Defendants,

WHITE MOUNTAIN MINING CO., LLC
a West Virginia Limited Liability Company,
Third Party Plaintiff,

v.

AMERICAN METALS & COAL
INTERNATIONAL, INC.,
a Delaware Corporation,
AMERICAN METALLURGICAL COAL
SALES, L.L.C., a North Carolina
Limited Liability Company, and
SCM, INC., a corporation,
Third Party Defendants.

To: American Metallurgical Coal Sales, L.L.C.
c/o John F. Hanzel
19425-G Liverpool Pkwy
Cornelius, NC 28031

YOU ARE HEREBY SUMMONED and required to serve on

PLAINTIFF'S ATTORNEY: Brian Glasser, Esq.,
227 Capitol Street
Charleston, WV 25301

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY:
John A. Rollins, Esq.
Spencer D. Elliott, Esq.
P. O. Box 1746
Charleston, WV 25326

an answer to the third-party complaint which is served on you with this summons, within **20** days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties at this action must be filed with the clerk of the court within a reasonable period of time after service.

CLERK Teresa L. Deppner, Clerk

DATE

DEC 14 2005

Eusebio Berger
(By) DEPUTY CLERK

arg + 2

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Limited Liability Company, and
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Third Party Defendants.

To: SCM, INC.
ONE ENERGY PLACE
LATROBE, PA 15650

YOU ARE HEREBY SUMMONED and required to serve on

PLAINTIFF'S ATTORNEY: Brian Glasser, Esq.,
227 Capitol Street
Charleston, WV 25301

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY:
John A. Rollins, Esq.
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Teresa L. Deppner, Clerk

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